

## **EXHIBIT 23**

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## Online Facebooks Duel Over Tangled Web of Authorship

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According to his job description posted on thefacebook.com, Mark E. Zuckerberg '06 serves as the popular website's "Founder, Master and Commander [and] Enemy of the State." But a trio of Pforzheimer residents would like to add one last title to that resume: thief.

Divya K. Narendra '04, Cameron S.H. Winklevoss '04 and Tyler O.H. Winklevoss '04—the proprietors of ConnectU.com, a competing online network released last Friday—have launched a campaign to discredit Zuckerberg, claiming that he stole his college facebook idea while writing code for their site.

The seniors said they first conceived of the idea for an online directory to connect students at Harvard and other universities in December 2002, and enlisted Sanjay G. Mavinkurve '03 to write its code. But after his graduation and the departure of another designer, Victor Y. Gao '04, from their team last November, the three turned to Zuckerberg to complete the portion of their site devoted to student-alum networking.

"We worked with him for about three months," Cameron Winklevoss said. "We met with him at least two to three times in Kirkland House and we exchanged 52 e-mails. He agreed to finish our site, specifically the professional side of it."

But according to Zuckerberg, the time commitment that such work would entail was never clearly conveyed during any of those conversations. While he was told that only six to 10 hours of coding would be involved, it quickly became clear that the site, then known as Harvard Connection, was far from being published.

"They kept talking about releasing it [in November]," Zuckerberg said. "But all their graphics were still taken from copyrighted sources. It was clear that it was nowhere near release."

"Now that they are claiming that I took the stuff from them—it's completely false," Zuckerberg said.

With the two sides' understanding of their working relationship out of sync, expectations of cooperation quickly diverged and communication disintegrated.

Thinking his involvement to be nothing more than that of an occasional contributor and citing more-important computer science projects and a series of mishaps, Cameron Winklevoss said Zuckerberg fell out of contact and completed little of the work expected of him by ConnectU.

"The thing about it is, in The Crimson article he boasted about completing

[thefacebook.com] in a week, after leading us on for three months," Cameron Winklevoss said. "We passed through Thanksgiving, winter break and intersession. He had ample time. He not only led us on, but he knew what he was doing."

The two parties held one final planning session Jan. 15 in Kirkland dining hall, four days after Zuckerberg officially registered his site, unbeknownst to Narendra and the Winklevosses, after which no further construction was done on the site.

During that meeting, Zuckerberg conveyed that he was working on other personal projects, but did not elaborate, citing what he perceived to be the distinction between the two sites.

"To the extent that I understood their site, which was not a great extent, it was a dating site," Zuckerberg said.

But the "semantic" distinction, as the ConnectU owners called it, was lost upon them on Feb. 8 when they learned of thefacebook.com's launch in The Crimson—a perceived insult they claim was only aggravated when they discovered the actual status of their site.

"When I looked at the code, it wasn't complete and it certainly was not functional," Gao said. "I don't know whether they had agreed for Mark to finish it...but it didn't run completely. The registration did not work. You could go in, the fields were there, but you couldn't actually register. It didn't connect with the back-end connections."

Featuring fields whittled down from ConnectU's original registration queries and a noticeably similar layout, Cameron Winklevoss said, thefacebook.com's presentation smacked of cloning—a point which all three claim became even more clear as Zuckerberg's site expanded.

"We specifically told him of our plan to open it up to universities and then he realized he could try and cut us out," Cameron Winklevoss said. "And he left us with code that was essentially useless."

But according to Zuckerberg, the overlap between the two sites' information requests is not the product of deception, but a lack of salient questions that would be of value in a profile.

"There aren't very many new ideas floating around," Zuckerberg said. "At the base, saying that anything that anyone does at this level is new. The facebook isn't even a very novel idea. It's taken from all these others. It's basically the same thing on a different level. And ours was that we're going to do it on the level of schools."

But that, according to Gao, is precisely the fundamental idea pioneered by Narendra that sets apart both ConnectU and thefacebook.com from other connection websites and programs, like classmates.com and Friendster.

"The main idea that Mark took away was the idea of bringing something down to a specific domain," Gao said. "It was [Narendra's] idea and he drew upon a lot of things like Friendster and online dating services and decided that would be cool to have for Harvard, taking it down to the specified domain of being at Harvard, for this set of people to connect."

After Zuckerberg rejected an e-mailed request to remove his site on account of what they argued was the theft of their intellectual property, Narendra and the Winklevosses petitioned the Administrative Board and then University President Lawrence H. Summers, seeking a ruling that Zuckerberg had violated College regulations.

On both occasions, the situation was described as falling outside the scope of the College's rules and jurisdiction.

"A whole host of issues are related to the academic community, but not directly," Cameron Winklevoss said. "We're supposed to hold students to a higher standard. We wouldn't have approached anyone on the street to complete this website. As a Harvard student, you ought to be held to a higher standard, and the Ad Board wasn't prepared to do that."

The release of ConnectU—which like FaceNet, another online facebook—has thus far failed to generate the buzz surrounding Zuckerberg's production, with 420 members to date, but its advertisement over House open lists has triggered a wave of accusations by both sides.

"[The facebook] has a lot less functionality," Cameron Winklevoss said. "The facebook in its current form is as much of our ideas and creativity as he had access to. Our site is what he had access to and a month-and-a-half improvement."

Zuckerberg disagreed.

"Not only was there no notion of connections, there was no course matching, there was no wink feature, some of the fields were much different, the style was much different," he said.

But not everyone was taking sides in the dispute.

On the e-mail lists, some students expressed ambivalence, and at least one other simply likened both sites to imitations of Friendster.

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